



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ZBYSZEK SZALAJ and STEFANIA SZALAJ,

21 MC 102 (AKH)

Index No.: 06-CV-05336

Plaintiff(s),

-against-

90 CHURCH STREET LIMITED PARTNERSHIP,
et al.,

Defendant(s).

STIPULATION OF DISCONTINUANCE AS
TO DEFENDANTS, NATIONAL
ASSOCIATION OF SECURITIES DEALERS,
INC., NASDAQ STOCK MARKET, INC., and
NEW YORK CITY INDUSTRIAL
DEVELOPMENT AGENCY, ONLY.

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IT IS HEREBY STIPULATED AND AGREED by and between the undersigned for the parties herein, that whereas no party herein is an infant, incompetent person for whom a committee has been appointed or conservatee and no person not a party has an interest in the subject matter of this action and based on the representation of the within defendants, and to the extent of Plaintiff(s) can so Stipulate that each claim, cross-claim and counter-claim asserted by and against defendants *NATIONAL ASSOCIATION OF SECURITIES DEALERS, THE NASDAQ STOCK MARKET, INC., and NEW YORK CITY INDUSTRIAL DEVELOPMENT AGENCY*, (hereinafter referred to as "*NASD*"), only as to the claims being made as to the premises located at One Liberty Plaza, New York, New York, is discontinued without prejudice without costs to any party as against the other.

IT IS FURTHER STIPULATED AND AGREED that should evidence be discovered throughout the court of the litigation which determines that *NASD*, is proper party to this suit, that plaintiff(s) may reinstitute the action without regard to the applicable Statute of Limitations, assuming said original action was timely commenced, and in such instance Defendant shall not assert Statute of Limitation as a defense.

This Stipulation may be filed without further notice with the Clerk of the Court.

Dated: New York, New York
August 7, 2013

McGIVNEY & KLUGER, P.C.
Attorneys for Defendant
NATIONAL ASSOCIATION OF SECURITIES DEALERS,
INC., THE NASDAQ STOCK MARKET, INC., and NEW
YORK CITY INDUSTRIAL DEVELOPMENT AGENCY

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SO ORDERED: 8/13/13

